HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition no. 1157(S/S) 2006

Km. Pushpa Pathak D/o Sri Pooran Chandra Pathak,
Resident of village-Gadsher, P.O. Baijnath,
District Bageshwar. -- Petitioner.

Versus

1. The State of Uttaranchal through Secretary Education, Dehradun,
2. The Director Education, Uttaranchal, Mayur Vihar, Dehradun. --Respondents.

Sri A.D. Tripathi, learned counsel for the petitioner,
Sri Paresh Tripathi, learned Standing Counsel for the State/respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri A.D. Tripathi, learned counsel for the petitioner and Sri Paresh Tripathi, learned Standing Counsel for the State/respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of certiorari to quash the entire advertisement no. 2/LT/2006-07 dated 7th August 2006 issued by the respondents for the appointment of LT Grade teachers 2006 based on an irrelevant combination of subjects and also against the prescribed combination of subject under the CBSE rules,

ii. Issue a writ, order or direction in the nature of mandamus commanding and direction the respondent to include the subjects sociology one of the subject in

the subject combination of Social Science as a subjects as prescribed in the rules,

iii. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent to decide the representation of the petitioner dated 18.08.2006 with a speaking order within a period of 15 days, which this Hon'ble Court may deem fit and proper to the circumstances of the case,

iv. Issue a writ, order or direction, which this Hon'ble Court may deem fit and proper to the circumstances of the case,

v. Award the cost of the petition.

The petitioner is one of the aspirants seeking appointment on the post of Trained Graduate Teacher grade in the Education Department (Female Cadre) of Kumaon Mandal, Uttaranchal in pursuance of the advertisement dated 7th August 2006 by which application were invited for appointment in L.T. Grade.

The prayers, sought for, are apparently contradictory, on one hand the petitioner is seeking appointment in L.T. Grade in pursuance of the aforesaid advertisement on the other hand she has prayed for quashing of entire advertisement impugned. Therefore, the relief nos. 1 & 2 cannot be granted in the circumstances of the case.

So far the prayer no. 3 is concerned, counsel for the petitioner has vehemently submitted that raising all her grievance the petitioner has already moved representation before the Director, School Education, Uttaranchal on 18.08.2006 copy of which is annexure no. 6 to the writ petition.

During the course of arguments learned counsel for the petitioner has confined his prayer that the Director of School Education, Uttaranchal may be directed to decide the petitioner's representation within the period prescribed by the Court.

Since the prayer is innocuous, without entering into merits of the case, I direct the Director of School Education, Uttaranchal (or any other Addl. Director nominated by the Director of Education, Uttaranchal), to take decision on the representation of the petitioner dated 18.08.2006, annexure no. 6 to the writ petition within a period of four weeks from the dated of production of a certified copy of this order.

The stay application no. 10914/06 stands disposed of.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

August 25, 2006:
NCM: